

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOOP AI LABS INC,
Plaintiff,

v.

ANNA GATTI, et al.,
Defendants.

Case No. [15-cv-00798-HSG](#) (DMR)

**ORDER GRANTING IN PART
ALMAWAVE USA, INC.'S MOTION TO
QUASH AND/OR FOR PROTECTIVE
ORDER**

Re: Dkt. No. 168

Plaintiff Loop AI Labs Inc. (“Loop”) issued a subpoena to third party law firm Orrick, Herrington & Sutcliffe LLP (“Orrick”) seeking the production of 30 categories of documents related to Orrick’s former representation of and communications with Defendants Almaxwave USA, Inc. (“Almaxwave”), Almaxviva S.p.A., and Almaxwave S.r.l (together, the “Almaxviva entities”). In its responses and objections to the subpoena, Orrick objected that a number of the requests for production therein sought documents protected by the attorney-client privilege belonging either to Almaxwave S.r.l. or Almaxviva, or to Orrick itself. To the extent that the subpoena requested communications that could be subject to a claim of privilege asserted by Almaxwave S.r.l. or Almaxviva, Orrick forwarded those documents to counsel for the Almaxviva entities so that counsel could make any privilege determinations and object on those grounds. Almaxwave and Orrick then separately moved for a protective order and/or to quash Loop’s subpoena. [Docket Nos. 168 (Almaxwave’s motion); 169 (Orrick’s motion).] Loop opposed both motions. [Docket Nos. 176 (Opp’n to Orrick’s motion), 177 (Opp’n to Almaxwave’s motion).]

Following a hearing, the court ordered Almaxwave and Orrick to submit documents withheld on the basis of attorney-client privilege for in camera review, and ordered Almaxwave to highlight in its submission any proposed redactions to the documents. [Docket No. 323.] The court previously ruled on Orrick’s motion for a protective order and/or to quash Loop’s subpoena (Docket No. 430), and now enters the following order on Almaxwave’s motion.

Almawave timely lodged the documents at issue, which total over 4,000 pages. The court has reviewed each of the documents. The documents contain email communications between Orrick and its then-clients, the Almaviva entities, that were made for the purpose of obtaining or giving legal advice, as well as invoices and billing records for said representation. The court finds that Almawave's proposed redactions are appropriate and justified. However, there are a number of attachments transmitted between the Almaviva entities and Orrick. The court has examined the attachments themselves, many of which the court finds are not "confidential communications between attorneys and clients, which are made for the purpose of giving legal advice." *United States v. Richey*, 632 F.3d 559, 566 (9th Cir. 2011) (citation omitted). Those documents are: CTRL000073737-73745 (copy of patent application submitted to USPTO on 8/1/2014); CTRL000075205-75206 (USPTO patent application publication); CTRL000075212 (USPTO communication); CTRL000075656 (filed Articles of Incorporation); CTRL000074204 (Bureau of Economic Analysis guide); CTRL000074426-74427 (Stock Purchase Agreement, notice of issuance of stock); CTRL000074603 (executed agreement between Almawave and IQSystem, Inc.); CTRL000074367-74373 (attachment containing emails between Valeria Sandei and Tony Di Napoli); CTRL000073867 (executed agreement between Almawave and IQSystem, Inc.); CTRL000073870-73871 (executed agreement between Almawave and Tony Di Napoli); CTRL000073872-73873 (executed offer letter and agreement between Almawave and Anna Gatti); and CTRL000074053 (attachment containing emails between Valeria Sandei and Mario Pepe). Since these documents do not qualify as attorney-client privileged communications, they must be produced to Plaintiff. Accordingly, Almawave's motion to quash and/or for a protective order is granted in part and denied in part. Almawave must produce to Plaintiff the redacted documents, as well as the individual documents listed above, within seven days of the date of this order.

IT IS SO ORDERED.

Dated: September 29, 2016

